

Testimony of Paul Leventhal
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Introduction

Thank you, Mr. Chairman, for your invitation to testify before the subcommittee today on U.S. sanctions policy toward Iraq. Steven Dolley, research director of the Nuclear Control Institute, participated in the preparation of this testimony.

I will focus primarily on issues related to the nuclear inspections that have been conducted in Iraq under the terms of U.N. Security Council Resolution (UNSCR) 687, the Gulf War cease-fire. From April 1991 until Iraq evicted all U.N. inspectors in December 1998, the International Atomic Energy Agency (IAEA) was responsible for conducting nuclear inspections in Iraq, with technical and intelligence support provided by the U.N. Special Commission on Iraq (UNSCOM). Under paragraph 3 of UNSCR 1284---the December 1999 resolution that establishes the UN Monitoring, Verification and Inspection Commission (UNMOVIC), the successor agency to UNSCOM---the IAEA “will maintain this role with the assistance and cooperation of UNMOVIC,” when and if inspectors return to Iraq.

Over the last few years, public concern about Iraq’s weapons of mass destruction has focused primarily on Saddam’s chemical, biological and missile capabilities. This perception in large measure results from the IAEA’s finding that “Iraq’s known nuclear assets have been destroyed, removed or rendered harmless.” This is not, in fact, the case. While it is true that Iraq’s known nuclear facilities have been destroyed or were placed under monitoring (prior to December 1998), important questions about Iraq’s nuclear-weapons program remain unanswered. Key nuclear-bomb components and weapons designs that were known to exist were never surrendered by Iraq to UN inspectors.

Indeed, the threat from Iraq’s nuclear capability could be greater than its chemical, biological and missile efforts. Vital elements of Iraq’s nuclear-weapons program remain in place today. Over 200 nuclear PhDs continue their work on unknown projects, with no supervision by UN inspectors for more than a year. Iraq operates a worldwide network to procure foreign technology, and most trucks entering Iraq from Turkey are not even stopped for inspection.

Little is known about Iraq’s efforts to enrich uranium for bombs using centrifuges, and the possibility remains that a small centrifuge cascade for this purpose is hidden somewhere in Iraq. Iraq was permitted by the IAEA to retain possession of 1.7 metric tons of uranium enriched to

2.6% U-235, as well as some 13 tons of natural uranium stocks. This uranium, if used as feed material for centrifuges, could produce over 115 kilograms of bomb-grade highly enriched uranium, enough to make at least four nuclear bombs. Although the IAEA recently conducted a routine investigation to confirm that these uranium stocks had not been removed, such inspections are required only once a year, raising the possibility that Iraq could seek to enrich these materials to weapons grade between inspections.

The greatest danger is that Iraq will acquire, or has already acquired, fissile material on the black market. The IAEA has acknowledged "very little confidence" it would be able to detect the smuggling of the kilogram quantities of plutonium or highly enriched uranium needed to make a few bombs. Given that Iraq has already developed the other components for nuclear weapons, the situation is on a knife's edge. If Iraq obtains fissile material, it would be at most a few months---perhaps as little as weeks or days---away from possessing nuclear bombs.

There is an eerie familiarity to all this. Prior to the Gulf War, Saddam Hussein used the threat of chemical and biological weapons to deflect attention away from a hidden nuclear threat. "I swear to God," he proclaimed in March 1990, "we will let our fire eat half of Israel if it tries to wage anything against Iraq. We don't need an atomic bomb, because we have binary chemicals." Policymakers must not allow themselves to be distracted again from denying Saddam his ultimate prize: nuclear weapons.

Iraq's current position is that it will not permit weapons inspections to resume unless and until economic sanctions are completely lifted. If Saddam allows nuclear inspections in Iraq to resume at some point in the future, I am concerned that Iraqi dissembling and obstructionism will again wear down the IAEA, that the Agency will be willing to accept less than complete disclosure by Iraq, and that certification of Iraqi compliance by the IAEA will once again be used by Iraq's supporters in the Security Council as the basis for attempting to close the nuclear file and for at least a partial lifting of sanctions.

I will examine some important unanswered questions about Iraq's nuclear program; explore why the IAEA has proven unable to conduct thorough nuclear inspections in Iraq; and discuss the impact of the appointment of Dr. Hans Blix, former Director-General of the IAEA, on UNMOVIC, of which he is now Executive Chairman.

Iraq's Nuclear-Bomb Program: Important Questions Remain Unanswered

Since 1991, U.S. policy has been consistent in requiring Iraq to cooperate fully with U.N. inspections. On November 15, 1998, prior to Operation Desert Fox, President Clinton declared that "Iraq must resolve *all* outstanding issues raised by UNSCOM and the IAEA," including giving inspectors "unfettered access" to all sites and "turn[ing] over *all* relevant documents." [emphasis added] State Department spokesman James Foley recently reaffirmed this policy.

When you look at the range of foreign policy challenges we face, you've got to put that [Iraq's WMD capability] at the very top, especially when you consider a number of factors, including past use of chemical weapons by Iraq; the massive chemical, biological and nuclear weapons programs unearthed or uncovered by UNSCOM during its years of activity; and, indeed, the continuing cleanup activity, improvements at some of the sites that are capable of producing such weapons. We see no reason for giving Saddam Hussein the benefit of the doubt. We have to remain extraordinarily vigilant on this, and

we will. Of course, our preferred way of dealing with this problem is to get the inspectors back and doing their job. [State Department Press Briefing, February 1, 2000]

Significant issues regarding Saddam's nuclear-weapons program remain unresolved. A number of these issues were raised by the IAEA in its October 1997 consolidated inspection report, but were never resolved in subsequent IAEA reports. A summary of these issues, prepared by Steven Dolley, Nuclear Control Institute's research director, is attached to this testimony, as is Mr. Dolley's full report, for inclusion in the hearing record. In June 1998, NCI raised these unresolved issues in a letter to IAEA Director-General ElBaradei. In his reply, ElBaradei assured us in general terms of the IAEA's vigilance, but explicitly refused to address the specific issues we raised. This correspondence with ElBaradei is also submitted for the hearing record, as is an exchange of correspondence between the Nuclear Control Institute and the State Department on these unresolved issues.

The IAEA apparently believes that the burden of proof is on the inspectors, not on Iraq, and demonstrates an almost naive confidence in an absence of evidence to contradict unsubstantiated Iraqi claims. ElBaradei acknowledged "a few outstanding questions and concerns" but insisted that these provided no impediment to switching from investigative inspections to less intrusive environmental monitoring because "the Agency has no evidence that Iraq is actually withholding information in these areas." The unfortunate result of the IAEA's accommodation of Iraq, in sharp contrast to UNSCOM's confrontational approach, is the widespread perception that Iraq's chemical, biological and missile capabilities constitute the only remaining threat.

Before Iraq put a halt to all weapons inspections in December 1998, the IAEA had failed to get Iraq to resolve these outstanding issues---and yet helped to make the case in the U.N. Security Council for closing the nuclear file by declaring that "Iraq's known nuclear weapons assets have been destroyed, removed or rendered harmless," as IAEA Director General Mohammed ElBaradei reported to the Security Council on October 13, 1998. This language directly tracks the terms of compliance required of Iraq in UNSCR 687 in order for economic sanctions to be lifted.

Although there is evidence that Iraq manufactured and tested a number of nuclear-weapon components, including the high-explosive "lenses" needed to compress the uranium core and trigger a nuclear explosion, none of these components, or evidence of their destruction, have been surrendered to IAEA inspectors. In January 1999, Gary Dillon, then head of the IAEA Action Team, asserted that documents newly provided by the Iraqis demonstrated that there had not been as significant progress in developing explosive lenses as earlier evidence had indicated. Dillon claimed that a January 1991 progress report by Iraqi scientists, provided by Iraq to the IAEA in 1998, showed that no final decisions had been made on key lens design issues. However, Dillon admitted that forensic analysis conducted by IAEA to determine the authenticity of the Iraqi document had proven "uncertain." Thus, the "new" Iraqi document may well have been a forgery, and the question of the existence of complete sets of weapons components is far from resolved.

Nor has Iraq provided the IAEA with its bomb design or a scale model, despite repeated requests. Iraq also has refused IAEA requests for full details of its foreign nuclear-procurement activities and for an official government order terminating work on its nuclear weapons program. Meanwhile, to the best of our knowledge, Saddam's nuclear team of more than 200 PhDs

remains on hand. Even before December 1998, the IAEA acknowledged that these scientists are not closely monitored and increasingly difficult to track.

Ambassador Rolf Ekeus, former head of UNSCOM, suggested in June 1997 that UNSCOM suspected that Iraq was still hiding nuclear components.

...Iraq produced components, so to say, elements for the nuclear warhead. Where are the remnants of that? They can't evaporate. And there, Iraq's explanation is that (they) melted away. And we are still very skeptical about that. We feel that Iraq is still trying to protect them....We know that they have existed. But we doubt they have been destroyed. But we are searching. [Remarks at the Carnegie Endowment for International Peace, June 10, 1997]

These questions are not merely of historical interest, but directly affect Iraq's current ability to produce nuclear weapons. The prudent assumption for the IAEA should be that Iraq's nuclear weaponization program continues, and that Iraq may now lack only the fissile material. Even the possibility that Iraq has already procured this material cannot be ruled out because of the serious nuclear-security lapses in the former Soviet Union and the abundance of such material in inadequately safeguarded civilian nuclear programs worldwide.

The ominous implications of missing components and surplus scientists were revealed by Scott Ritter after he resigned in August 1998 as head of UNSCOM's Concealment Investigation Unit. Ritter said, in testimony before the Senate Foreign Relations Committee, that UNSCOM "had received sensitive information of some credibility, which indicated that Iraq had the components to assemble three implosion-type [nuclear] devices, minus the fissile material." If Iraq procured a small amount of plutonium or highly enriched uranium, he testified, it could have operable nuclear weapons in a matter of "days or weeks."

The IAEA promptly disputed the validity of Ritter's information. IAEA Director General Mohammed ElBaradei reported to the U.N. Security Council on October 13, 1998 that "all available, credible information. . . provides no indication that Iraq has assembled nuclear weapons with or without fissile cores," adding that "Iraq's known nuclear weapons related assets have been destroyed, removed or rendered harmless."

IAEA Nuclear Inspections in Iraq: A Cultural Problem

As noted, there were sharp differences between UNSCOM and the IAEA on how to conduct inspections. UNSCOM was more confrontational, refusing to accept Iraqi obfuscations and demanding evidence of destroyed weapons--what former UNSCOM chief Rolf Ekeus once called "the arms-control equivalent of war." The IAEA has been more accommodating, giving Iraqi nuclear officials the benefit of the doubt when they failed to provide evidence that all nuclear weapons components have been destroyed and all prohibited activities terminated. Ekeus has acknowledged "a certain culture problem" resulting from UNSCOM's "more aggressive approach, and the IAEA's more cooperative approach." As noted, the result is a widespread and dangerous perception that Iraq's nuclear threat is history, while Iraq is generally perceived to be concealing other weapons of mass destruction because UNSCOM consistently refused to accept unverified claims of their elimination.

Iraq learned early on that it could conceal a nuclear weapons program by cooperating with the IAEA. Khidhir Hamza, a senior Iraqi scientist who defected to the United States in 1994, wrote in the Bulletin of the Atomic Scientists that Saddam Hussein approved a deception-by-cooperation scheme in 1974. "Iraq was careful to avoid raising IAEA suspicions; an elaborate strategy was gradually developed to deceive and manipulate the agency," Hamza said.

The strategy worked. Iraq, as a signer of the 1968 Nuclear Non-Proliferation Treaty, was subject to IAEA inspections on all nuclear facilities. But IAEA's inspectors had failed to detect the Iraqi-style "Manhattan Project," which was discovered after the Gulf War by IAEA teams at sites identified by UNSCOM.

The IAEA's track record of missing evidence of Iraq's nuclear weapons program predates the Gulf War. In 1981, Israeli air strikes destroyed Iraq's nearly complete Osirak research reactor because Tel Aviv feared Iraq's plutonium-production capacity if the plant was allowed to start up. After the attack, IAEA inspector Roger Richter resigned from the agency to defend Israel's action. He had helped negotiate the IAEA's "safeguards" arrangement for the reactor and later told Congress that the agency had failed to win sufficient access to detect plutonium production for weapons.

In August 1990, only weeks after Iraq invaded Kuwait, IAEA safeguards director Jon Jennekens praised Iraqi cooperation with the IAEA as "exemplary," and said Iraq's nuclear experts "have made every effort to demonstrate that Iraq is a solid citizen" under the nonproliferation treaty.

In 1991, after the Gulf War, the U.N. awarded the nuclear-inspection portfolio in Iraq to the IAEA rather than UNSCOM, following a concerted lobbying campaign by the IAEA, supported by the United States and France. The principal argument was political: With only a few years remaining before the Non-Proliferation Treaty had to be extended, it would be extremely damaging for the treaty's survival if the agency were downgraded in any way.

Its turf battle won, the IAEA continued to see things Iraq's way. In September 1992, after destruction of the nuclear-weapons plants found in the war's aftermath, Mauricio Zifferero, head of the IAEA's "Action Team" in Iraq, declared Iraq's nuclear program to be "at zero now. . . totally dormant." Zifferero explained that the Iraqis "have stated many times to us that they have decided at the higher political levels to stop these activities. This we have verified."

But it eventually became clear that Iraq had concealed evidence of its continuing nuclear bomb program. In 1995, Saddam Hussein's son-in-law, Gen. Hussein Kamel, fled to Jordan and revealed that he had led a "crash program" just before the Gulf War to build a crude nuclear weapon out of IAEA-safeguarded, civilian nuclear fuel, as well as a program after the war to refine the design of nuclear warheads to fit Scud missiles. Iraqi officials insisted that Kamel's work was unauthorized, and they led IAEA officials to a large cache of documents at Kamel's farm that, the Iraqis said, proved Kamel had directed the projects without their knowledge.

But the Kamel revelations refuted an IAEA claim, made by then-Director General Hans Blix in 1993, that "the Iraqis never touched the nuclear highly enriched uranium which was under our safeguards." In fact, they had cut the ends off of some fuel rods and were preparing to remove the material from French- and Russian-supplied research reactors for use in weapons when the allied bombing campaign interrupted the project. The IAEA accepted a technically flawed claim by Iraqi officials that the bomb project would have been delayed by the need to further enrich the bomb-grade fuel for use in weapons, but defector Hamza later made clear that Iraq could have made direct use of the material in a bomb within a few months.

Hans Blix and the New Inspection Regime

Given the urgency of finding out whether Iraq is secretly rebuilding nuclear, chemical and biological weapons, or the missiles for delivering them, it is ironic that the United Nations' new chief inspector in Iraq is Hans Blix, who headed the IAEA from 1982 to 1998. He was in charge when the IAEA totally missed Saddam Hussein's nuclear weapons program before the Gulf War and accepted unsubstantiated Iraqi disarmament claims after the war. The United States originally supported Ambassador Ekeus to head up UNMOVIC, but fell in line behind Dr. Blix after France and Russia, Iraq's original nuclear suppliers, opposed Ekeus with strong backing from China and Iraq. Given his record, it is fair to ask how good a job Dr. Blix can be expected to do.

Dr. Blix's 16-year record at the IAEA offers mixed signals. He was an intelligent manager and skillful diplomat, but often failed to stand up to national nuclear interests in the agency's Board of Governors. The Board always had statutory authority to impose far more intrusive inspections on national nuclear programs than it did, but Dr. Blix did not urge the Board to do so until after the humiliation of Iraq's hidden nuclear-weapons program. An improved IAEA safeguards system for which Dr. Blix takes credit, in place since 1997, is still far from universal or foolproof.

In 1987, Dr. Blix failed to blow the whistle when North Korea refused to enter into an inspection agreement with the IAEA within the required 18-month period after North Korea ratified the NPT in 1985. The Soviet Union had prevailed on the United States in the Board of Governors not to make an issue of it, and Dr. Blix followed suit. North Korea did not permit nuclear inspections until 1992, by which time U.S. intelligence agencies concluded that the North Koreans had begun extracting plutonium for weapons from its uninspected plants. The high marks Dr. Blix received for his agency's subsequent inspections in North Korea were, in fact, attributable to technical assistance received from U.S. and other nuclear weapons experts.

Under pressure from the IAEA board, Dr. Blix also failed to draw attention to large measurement uncertainties in commercial plutonium processing plants which make it impossible for IAEA

inspectors to determine with confidence that none of this fuel is being siphoned off for nuclear weapons. At first he refused to acknowledge what U.S. weapons designers had told the IAEA---that plutonium separated in these plants from the spent fuel of electrical generating nuclear reactors could be made into weapons. Dr. Blix's pliant stance on plutonium has made possible a commercial industry that already has processed more plutonium for civilian fuel than the superpowers have produced for weapons.

As I have detailed in my testimony, the IAEA under Dr. Blix's tenure was forced to backtrack on rosy conclusions about Iraq's nuclear program. Dr. Blix brings to his new post considerable managerial and diplomatic skills, but a flawed record on Iraq. His reluctance to stand up to the IAEA Board of Governors also raises questions as to whether he will be able to withstand strong pressures from within the Security Council to give Iraq a clean bill of health and lift economic sanctions.

Conclusion

Given past differences between the IAEA and UNSCOM, the IAEA should be directed to provide UNMOVIC and the College of Commissioners with a complete inventory of all nuclear-bomb components, designs and models for which there is documentation or intelligence but which the agency cannot account for. The Security Council should insist that all elements listed in this inventory be produced by Iraq or otherwise accounted for prior to any consideration of "closing the nuclear file." This was UNSCOM's approach with regard to missiles and chemical and biological weapons, and it should be the IAEA's approach to nuclear weapons, as well. The burden of proof should be on Iraq, not on the inspectors. The United States should continue to oppose closing the Iraqi nuclear file and the lifting of economic sanctions until all outstanding questions on Iraq's nuclear-weapons program are resolved.

UNMOVIC and the Security Council should make sure that the IAEA diligently and completely pursues all unanswered questions. If the Agency proves unable to do so, responsibility for nuclear inspections should be transferred to the Security Council, which has the enforcement authority needed to follow through.

Finally, Dr. Blix should now pledge he will conduct business differently than he did at the IAEA, and will not allow the absence of evidence to be viewed as evidence of absence of weapons of mass destruction in Iraq. This is particularly important given the provision (paragraph 33) of UNSCR 1284, expressing the Security Council's intention to lift economic sanctions if the heads of both UNMOVIC and the IAEA certify that Iraq "has cooperated in all respects" with the two agencies for a period of 120 days after monitoring and verification programs have been reestablished.

Attachments

1. Steven Dolley, "Iraq's Nuclear Weapons Program: Unresolved Issues," Nuclear Control Institute, May 12, 1998.
2. Steven Dolley, "Iraq and the Bomb: The Nuclear Threat Continues," Nuclear Control Institute, February 19, 1998 (with press release).

3. Exchange of correspondence between Nuclear Control Institute and Mohammed ElBaradei, Director-General, International Atomic Energy Agency, June 1998.
4. Exchange of correspondence between Nuclear Control Institute and John Barker, Deputy Assistant Secretary for Nonproliferation Controls, Department of State, November 1998-April 1999, by way of follow-up to a letter from NCI to President Clinton.